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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

ANDRE BILODEAU, ROBERT BESSY, )  
AMBER MCNAB, AND GREG ) Case No. 21-CV-00766  
KILLINGSWORTH, individuals, on )  
behalf of themselves and all others ) JOINT STATUS REPORT  
similarly situated; and DOES 1 through )  
100, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
CITY OF MEDFORD, MEDFORD, an )  
incorporated Oregon city, )  
 )  
Defendant. )  
 )

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On March 15, 2022, this Court asked the parties to provide a joint status report with case deadlines by March 29, 2022. The deadlines for the motion to class certification are already set by this Court and this joint status report is not intended to change those deadlines.

**I. Motion to amend complaint.**

On Thursday, March 3, 2022, Plaintiffs' counsel provided a draft amended complaint to Defendant's counsel. On Monday, March 7, 2022, Defendant's counsel responded stating that

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Defendant did not object to the addition of two additional plaintiffs but did object to several substantive changes to the allegations and claims against Defendant. On Wednesday, March 9, 2022, Plaintiffs' counsel asked Defendant to explain their position, and on Sunday, March 13, 2022, Defendant's counsel provided a lengthy explanation of Defendant's position.

Plaintiffs' counsel has requested until April 15, 2022 to file the motion to amend complaint. Defendant does not oppose Plaintiffs' proposed timeline so long as the motion to amend is resolved prior to the start of substantive discovery (since that order will help determine the scope of substantive discovery). The parties recommend a deadline 30 days after that date for Defendant to file a response to the motion to amend complaint, and 14 days after that date for Plaintiffs to file a reply memo.

## **II. Substantive discovery period.**

During the Rule 16 conference, the parties anticipated that discovery in total would take ten months or longer. During that Rule 16 conference, this Court ultimately ruled that there would be a 90-day discovery window primarily focused on discovery for purposes of class certification, with the balance of discovery occurring after class certification was resolved. After this Court determines whether a class action should be certified and whether the claims against Defendant should be amended, the parties will need additional time to conduct substantive discovery. Defendant recommends nine months for substantive discovery if a class is certified and six months if a class is not certified; Plaintiffs recommend six months for substantive discovery if a class is certified and four months if a class is not certified. Regardless, this time should run from the later of the order on class certification or the order on amending the complaint, since those two orders will both substantially impact the scope of discovery.

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**III. Subsequent deadlines.**

The parties recommend that dispositive motions be due thirty days after the close of substantive discovery, and that the briefing schedule be determined at that time. The parties anticipate that summary judgment proceedings will be complex, and the exact time required for briefing responses and replies is difficult to predict at this time.

The parties recommend that no deadlines be set beyond summary judgment at this time, to allow the Court whatever time it needs to resolve those motions, and because of the possibility that the case would be resolved one way or another on summary judgment.

DATED this 28<sup>th</sup> day of March, 2022.

/s/ Eric B. Mitton  
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DATED this 28<sup>th</sup> day of March, 2022.

/s/ Justin N. Rosas  
Justin N. Rosas, OSB #076412  
Attorney for Plaintiffs